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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,291	01/10/2002	Timothy G. Nye	3014.1005-001	6857

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EXAMINER

TODD, GREGORY G

ART UNIT PAPER NUMBER

2157

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/044,291

Applicant(s)

NYE, TIMOTHY G.

Examiner

Gregory G. Todd

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10, 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 22 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/19/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This is a third office action in response to applicant's amendment filed, 03 April 2006, of application filed, with the above serial number, on 10 January 2002 in which claims 1-2, 4, and 8 have been amended and claims 22-23 have been added. Claims 1-10 and 22-23 are therefore pending in the application.

### ***Claim Objections***

2. Claim 23 is objected to because of the following informalities: "[A]n geographically" is inappropriate in line 4. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-10 and 22-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Malone et al (hereinafter "Malone", 2002/0038348).

As per Claim 1, Malone teaches a method for creating an attribute bounded network of computers comprising the steps of:

creating and maintaining a list of attribute bounded electronic addresses representing a plurality of indexable electronic documents, on a computer network, that are associated with a bounded attribute (at least paragraph 3-5, 33-37, 48; typical search engine spider);

identifying a plurality of computers associated with the bounded attribute (at least paragraph 36; qualified servers);

in response to receiving an attribute bounded request from one of the computers, assigning one or more electronic addresses from the attribute bounded list (at least paragraph 37; attribute selectable search);

sending the assigned electronic address to the requesting computer, where the requesting computer processes the distributed electronic address to index one or more electronic documents that are obtained through the assigned electronic address (at least paragraph 33-37; query request return results).

As per Claim 2. The method of claim 1 further comprising receiving the processed result from the requesting computer (at least paragraph 33-37, 48).

As per Claim 3. The method of claim 1 wherein the attribute is a geographically bounded region (at least paragraph 13, 19, 35).

As per Claim 4. The method of claim 3 wherein the geographically bounded region is automatically generated based upon a physical address selected from at least one of a group consisting of: a city, a zip code, a longitude, a latitude, an altitude, a telephone

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area code, an informal destination and an area relative to a location (at least paragraph 13, 19, 35).

As per Claim 5. The method of claim 1 wherein the attribute is a geographically bounded region based upon a computer address (at least paragraph 13, 19, 35).

As per Claim 6. The method of Claim 1 wherein the attribute is a topical boundary (at least paragraph 13, 19, 35).

As per Claim 7. The method of claim 1 wherein the network is the Internet and the electronic addresses are represented as Uniform Resource Locators (at least paragraph 33-34).

As per Claim 8. The method of claim 1, wherein the step of assigning includes overlapping the assignment of electronic addresses to multiple requesting computers (at least paragraph 33-37, 48).

As per Claim 9. The method of claim 1 wherein the matching at least one of the electronic addresses in the attribute bounded list based upon at least one attribute from the attribute bounded request determines that no electronic addresses in the attribute bounded list matches any attribute from the attribute bounded request; and assigning an electronic address from the attribute bounded list that does not match the attribute bounded request from the requesting computer (at least paragraph 33-37, 48).

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As per Claim 10. The method of claim 1 wherein processing step comprises: spidering, on the requesting computer, the distributed electronic address (at least paragraph 3, 48).

As per Claim 22. The method of claim 1 wherein the plurality of computers uses peer-to-peer technology to form a virtual community associated with the bounded attribute (at least paragraph 33, 69).

As per Claim 23, Malone teaches a method for creating an attribute bounded network of computers comprising:

identifying a plurality of computers associated with a geographically bounded attribute to create an geographically bounded network of computers (at least paragraph 36; qualified servers);

maintaining a list of geographically bounded electronic addresses representing a plurality of indexable electronic documents that are associated with the geographically bounded attribute (at least paragraph 3-5, 33-37, 48; typical search engine spider);

assigning electronic addresses from the geographically bounded list to computers in the geographically bounded network of computers (at least paragraph 37; attribute selectable search); and

in response to receiving the assigned electronic addresses from the geographically bounded list, indexing by computers in the geographically bounded network of computers, one or more electronic documents having geographically bounded electronic addresses (at least paragraph 33-37; query request return results).

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Previously cited Malone et al, Dunworth et al, Carrasco et al, Lee et al, Jindal, and Logan are cited for disclosing pertinent information related to the claimed invention. Applicants are requested to consider the prior art reference for relevant teachings when responding to this office action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory G. Todd whose telephone number is (571)272-4011. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm w/ first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory Todd



Patent Examiner

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